IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

W.A.No. 179 of 2005()

AGAINST THE JUDGEMENT/ORDER IN WPC.30786/2003 Dated 17/08/2004
. .....

APPELLANT: PETITIONER IN W.P.

KERALA SAMASTHANA VIDESHA MADYA
VYAVASAYA THOZHILALI UNION (CITU)
P.KRISHNAPILLA BHAVAN, NORTH RAILWAY STATION
ROAD, KOCHI-18, REPRESENTED BY ITS GENERAL
SECRETARY K.M.SUDHAKARAN.

BY ADV. SRI.KOSHY GEORGE

RESPONDENTS: RESPONDENTS IN THE W.P:
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1. STATE OF KERALA REPRESENTED BY
SECRETARY, DEPARTMENT OF LABOUR AND REHABILITATION
(R) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE CHIEF WELFARE FUND INSPECTOR,
ABKARI WORKERS WELFARE FUND BOARD,
THIRUVANANTHAPURAM.

3. THE LABOUR COMMISSIONER, TRIVANDRUM.

4. THE KERALA STATE BEVERAGES (M&H)
CORPORATION LTD., SASTHAMANGALAM,
THIRUVANANTHAPURAM, REPRESENTED BY ITS
MANAGING DIRECTOR.

BY GOVERNMENT PLEADER SRI. BASANT BALAJI
ADV. SRI.K.P.DANDAPANI(SC FOR K.S.B.C.)
SRI.K.K.BABU, SC, KAWWFB
SRI.SOJAN JAMES, SC,KAWWF BOARD

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & M.N.KRISHNAN,JJ

W.A.No.179 OF 2005

DATED THIS THE 5TH DECEMBER, 2006

JUDGMENT

K.S.RADHAKRISHNAN,J

Rules 4(2) as well as Rule 9 (10) (b) of the Kerala Abkari Shops Disposal Rules 2002 have been declared ultravires by the Supreme Court in **Kerala Samsthana Chethu Thozhilali Union Vs. State of Kerala [2006 (2) KLT 270 (SC)].** In the light of the above decision this appeal is allowed.

K.S.RADHAKRISHNAN,JUDGE

M.N.KRISHNAN,JUDGE

dvs